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DIGITAL MUST CARRY

Before

The Federal Communications Commission

Washington, D.C. 20554

In the Matter of

Carriage of the transmissions
of Digital Television Broadcast Stations

Amendments to Part 76
of the Commissions Rules

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CS Docket No. 98-120

COMMENTS OF

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I file these comments on September 5, 1998, in the FCC's Notice of Proposed Rulemaking on the Carriage of Transmissions of Digital Television Broadcast Stations adopted on July 9, 1998, CS Docket No. 98-120.

Digital must-carry threatens the loss of C-SPAN coverage over many cable systems with limited channel capacity. As non-revenue producing public service networks, C-SPAN and C-SPANII stand out as likely targets for removal in a zero-sum game of channel competition. The FCC should approach this decision with the recognition that C-SPAN is a quasi-public utility which should be available to all citizens who want it. Democracy is a fraud without wide and equitable distribution of public affairs information. Actions which have the potential for diminishing access to public information must be considered as suspect from the outset. C-SPAN is unlike other information outlets in that it provides full and direct public access to information that is absolutely unavailable from alternative sources. Many of the events it covers "gavel to gavel" have no hard copy or electronic versions available. If alternative versions are available, they often come at the cost of reduced timeliness, extensive effort and/or actual financial payment. The spread of cable and the inclusion of C-SPAN in the basic rate makes it virtually universally available. If the government were suggesting closing the local public library to support opening a commercial information kiosk which duplicates a similar kiosk on the next corner, virtually everyone would see through the inane duplication of one useful service while shutting down another. When this happens in some neighborhoods and not in others, it is not just nonsense, it is inequitable nonsense.

For over 15 years I have been using C-SPAN as an educational resource for teaching public affairs and promoting its use as an important resource for effective citizenship. I have helped train over 800 college faculty members and many high school faculty

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members in the use of C-SPAN for educational purposes. Over 4,000 high school teachers are part of the "C-SPAN in the Classroom Program." A survey of these teachers indicates creative and regular use of C-SPAN as a key educational resource. The potential loss of C-SPAN on many cable systems due to an inappropriate must-carry ruling would pose significant practical and philosophical detriments.

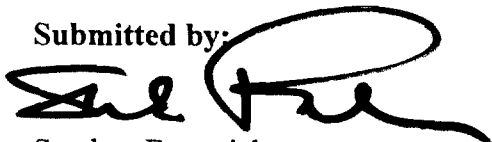
From a *practical* perspective, many faculty members, students and citizens alike would lose access to the C-SPAN programming on which they have come to depend. Teachers will not only lose their direct access to C-SPAN as a resource if must-carry forces it from their cable system, but they will also recognize the increasingly limited availability of the C-SPAN signal to their students. Many teachers currently teach the watching of C-SPAN as a "carry over sport" skill for better citizenship. With cutbacks, the utility and ethics of introducing students to public affairs using C-SPAN would come into serious question. The problem is exacerbated by the fact that many limited capacity cable systems are located in small towns and rural areas which suffer from more limited access to a range of public affairs information resources. Although expanded channel capacity will eventually allow the restarting of C-SPAN, the break in continuity will hamper both educational and citizen utilization.

From a *philosophical* and ethical perspective, reducing access to C-SPAN creates an equity problem. Information is a powerful political resource. Unequal access to C-SPAN relegates some citizens to an inferior power position. Audience surveys indicate that C-SPAN is used regularly by some of the most politically active of U.S. citizens.

Cutting off access to C-SPAN in exchange for duplicative programming with an audience of insignificant size seems like a poorly conceived trade-off. For the bulk of the audience without digital receivers, a forest of blank channels is both a disservice and fodder for discontent. Subsidizing broadcast channels in their attempt to recapture some of their audience is clearly not in the public interest. The move toward deregulation has required all information sources to compete on a even playing field. Misguided must-carry regulations tilt the playing field significantly only to the benefit of for-profit programming.

Allowing the market to more naturally determine cable programming is both practical and consistent with the U.S. tradition of turning to government regulation as a last resort. Creating an unnatural market place does not serve the public and threatens a valuable resource such as C-SPAN.

Submitted by:



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